

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**JANE DOE 11,**

**Plaintiff,**

**v.**

**BAYLOR UNIVERSITY,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. 6:17-CV-228-RP**

**Consolidated with  
6:16-CV-173-RP (lead case)  
6:17-CV-236-RP**

---

**DEFENDANT BAYLOR UNIVERSITY'S ADVISORY  
IN ADVANCE OF ANY STATUS CONFERENCE**

---

TO THE HONORABLE JUDGE PITMAN:

Defendant Baylor University ("Baylor") previously filed a Request for Status Conference ("Request"), Dkt. 1003, to address two outstanding issues related to this Court's prior order regarding production of Pepper Hamilton's work product (the "Waiver Order"). Dkt. 988.<sup>1</sup> Baylor files this Advisory to update the Court on the status of that production in advance of any status conference and in light of this Court's recent FERPA orders.

The first issue addressed by Baylor in its Request related to Pepper Hamilton ("PH") documents that were subject to the Waiver Order but were being withheld by Baylor pending this Court's ruling on objections filed by 19 non-party students who had received FERPA notices and objected to the release of their records. The Court subsequently denied those objections and ordered Baylor to produce the student records by certain deadlines, the last one being February 9, 2022. Dkts. 1004-1022. As a result of the Court's FERPA orders, the first issue raised in Baylor's Request is now moot. As of yesterday, Baylor completed its production of PH work product documents it previously

---

<sup>1</sup> The Waiver Order waived the work product protection of certain Pepper Hamilton documents and communications that were part of Pepper's investigative and implementation work for Baylor in the Jane Doe 11 case only.

withheld due to FERPA objections. In the process of reviewing the remaining PH work product documents withheld for FERPA, Baylor identified additional PH work product documents to be released and those were also produced yesterday. Baylor therefore has completed its PH work product production pursuant to the terms of this Court's Waiver Order. Baylor is in the process of reviewing and updating its privilege log to reflect the documents that have been released, both FERPA and non-FERPA, pursuant to the Waiver Order. Baylor anticipates the updated log will be completed within 14 days.

Additionally, Magistrate Judge Andrew Austin previously issued a sanctions order, Dkt. 941, ordering Baylor to produce a large number of privileged documents. Baylor filed objections to that Order, which are pending with the Court. Dkt. 947. However, to the extent that some of the documents encompassed by Judge Austin's Order also fall within this Court's Waiver Order, those documents have now been produced, and the only documents Baylor continues to withhold are those documents that fall within this Court's exceptions to the waiver ruling (page 11 of Dkt. 988) or that are not subject to the ruling because they were not part of PH's investigation or implementation work for Baylor.

Respectfully submitted,

**WEISBART SPRINGER HAYES LLP**

212 Lavaca Street, Suite 200  
Austin, Texas 78701  
512.652.5780  
512.682.2074 fax

By: /s/ Julie A. Springer  
Julie A. Springer  
State Bar No. 18966770  
jspringer@wshllp.com  
Sara E. Janes  
State Bar No. 24056551  
sjanes@wshllp.com  
Geoffrey D. Weisbart  
State Bar No. 21102645  
gweisbart@wshllp.com

**THOMPSON & HORTON LLP**

Lisa A. Brown  
Texas Bar No. 03151470  
Phoenix Tower, Suite 2000  
3200 Southwest Freeway  
Houston, Texas 77027-7554  
713.554.6741  
713.583.7934 fax  
lbrown@thompsonhorton.com

Holly G. McIntush  
Texas Bar No. 24065721  
400 West 15th Street, Suite 1430  
Austin, Texas 78701  
512.615.2350  
512.682.8860 fax  
hmcintush@thompsonhorton.com

**COUNSEL FOR DEFENDANT  
BAYLOR UNIVERSITY**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing advisory was served upon Plaintiff's counsel of record on February 4, 2022, via the Court's ECF/CMF electronic service system as follows:

Mr. Chad W. Dunn (Attorney in Charge)  
**BRAZIL & DUNN, L.L.P.**  
3303 Northland Drive, Suite 205  
Austin, Texas 78731

*Via ECF: chad@brazilanddunn.com*

Mr. K. Scott Brazil  
**BRAZIL & DUNN, L.L.P.**  
13231 Champion Forest Drive, Suite 460  
Houston, Texas 77069

*Via ECF: scott@brazilanddunn.com*

Mr. Jim Dunnam  
**DUNNAM & DUNNAM, L.L.P.**  
4125 West Waco Drive  
Waco, Texas 76710

*Via ECF: jimdunnam@dunnamlaw.com*

Ms. Laura Benitez Geisler  
Mr. Sean J. McCaffity  
Jody L. Rodenberg  
George (Tex) Quesada  
**SOMMERMAN, MCCAFFITY,  
QUESADA & GEISLER, LLP**  
3811 Turtle Creek Boulevard, Suite 1400  
Dallas, Texas 75219-4461

*Via ECF: lgeisler@texttrial.com*  
*Via ECF: smccaffity@texttrial.com*  
*Via ECF: jrodenberg@texttrial.com*  
*Via ECF: quesada@texttrial.com*

/s/ Julie A. Springer  
Julie A. Springer